
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

R.S.A. No. 965 of 2005

Date of Decision : 31.8.2007

Krishan

...Appellant

Versus

Giana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. Ashish Aggarwal, Advocate the appellant.

RAJESH BINDAL, J.

This is plaintiff's second appeal against the concurrent findings of fact by both the Courts below where the suit filed by plaintiff for declaration with permanent injunction claiming himself to be adopted son of deceased Pirthi son of Shanker was dismissed.

The claim made in the suit was that appellant-plaintiff was adopted by Pirthi on January 10, 1996 as he was residing with him and serving him.

On the other hand, claim made by the respondent-defendants was that infact there was no adoption by the deceased Pirthi of the appellant-plaintiff as he had infact bequeathed his entire property by executing a Will on September 20, 1996 in favour of respondent-defendants. Pirthi who died issueless, was residing with his brother before his death. The claim made by the appellant-plaintiff for adoption on the basis of adoption deed produced by him as Ex. P1 was not accepted by the Court below for the reasons that the attesting witnesses thereof were not produced. Scribe and the Notary produced by the appellant-plaintiff admitted in their cross examination that they were not previously known to the deceased or his natural father Babu Ram. Even the natural parents of the appellant-plaintiff never stepped into the witness box to support his

case. There is no evidence on record to show giving and taking ceremony of adoption on January 10, 1996 prior to the execution of the adoption deed on January 27, 1996, which is an unregistered document.

Keeping in view all these material on record, learned courts below opined that appellant-plaintiff miserably failed to bring any material on record, which could enable the Courts to take a view in his favour.

Even before this court, learned counsel for the appellant has not been able to point out any evidence on record, which could prove that any ceremony, for giving and taking the appellant in adoption, was performed which is sine-qua-non to substantiate the plea of adoption. Even the natural parents of the appellant did not step into the witness box to support his case. Another suspicious circumstances is the filing of the suit on October 16, 1996 immediately after the death of Pirthi on September 21, 1996, without any provocation. The evidence led by the appellant-plaintiff did not inspire credence.

In view of the above discussion, I do not find any merit in the present appeal and the same is dismissed in limine.

August 31, 2007
Pka

(Rajesh Bindal)
Judge